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RONALD RAAB\*

IRA A. STURM\*\*\*\*

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**APPLICATION GRANTED**

**SO ORDERED** 

**VERNON S. BRODERICK**

**U.S.D.J. 04/15/22**

MAURA E. BREEN\*\*\*

SAMUEL R. BLOOM\*\*\*\*\*

\* ADMITTED IN NY  
\*\* ADMITTED IN NY AND NJ  
\*\*\* ADMITTED IN NY AND CT  
\*\*\*\* ADMITTED IN NY AND FLA  
\*\*\*\*\* ADMITTED IN NY, NJ AND MD

The parties are advised that further extensions are unlikely to be granted. Plaintiffs are directed to serve this order on Defendant via email or any other previously effective means of service and file an affidavit of such service on or before April 22, 2022.

April 14, 2022

**VIA ECF ELECTRONIC FILING**

Hon. Vernon S. Broderick, U.S.D.J.

Southern District of New York

Thurgood Marshall United States Courthouse

40 Foley Square, Courtroom 518

New York, NY 10007

**Re: Kyle Bragg, as Trustee, et al., v. Fidelis Facility Service Group. Inc.  
Civil Action No. 21-cv-8291**

Dear Judge Broderick,

Our firm is counsel for the respective Plaintiffs in this matter (collectively the "Funds"). Presently, the Funds deadline to advise if they wish to file for Default Judgment against Defendant Fidelis Facility Service Group, Inc. ("Defendant") is today, April 14, 2022. Based on recent discussions with Defendant, and the recent production of some records, the parties ask that the deadlines be extended thirty (30) days. This would extend the deadline for the Funds to advise if they wish to proceed for Default Judgment to May 16, 2022. Defendant's deadline to file any opposition would consequently be extended to May 30, 2022. Alternatively, the Funds wish to move forward for Default Judgment.

The gravamen of this litigation is Defendant's alleged failure to comply with a payroll compliance audit commenced by the Funds. As part of the audit, certain payroll, tax, and accounting records were demanded pursuant to the Funds' rules. Defendant has recently uploaded some, but not all, of the records that the Funds demanded as part of the litigation. However, the Funds have to date not received additional documents from the Defendant's payroll provider. Further, Defendant has indicated that they are working their CPA to compile additional records. However, it has been represented that those discussions have been delayed due to CPA tax season obligations.

In light of the above, the parties ask that some additional time be provided in the hope that this matter will settle. It does appear that most, if not all, of the audit documents will be

provided shortly. The Funds wish to exhaust all avenues for settlement before moving for Default Judgment.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Bloom", written in a cursive style.

Samuel R. Bloom

cc: Defendant (via electronic mail)